

McGREGOR W. SCOTT
United States Attorney
PHILLIP A. TALBERT
Assistant U.S. Attorney
501 I Street, Ste. 10-100
Sacramento, California 95814
Telephone: (916) 554-2789

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	2:04-cr-0389-MCE
)	
Plaintiff,)	PRELIMINARY ORDER OF
)	FORFEITURE AND PUBLICATION
v.)	THEREOF RE PERSONAL PROPERTY
)	OF MACLOVIO ACOSTA
MACLOVIO ACOSTA, et al.)	
)	
Defendants.)	
_____)	

Based upon the plea agreement entered into between plaintiff United States of America and defendant Maclovio Acosta, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. Pursuant to 21 U.S.C. § 853, defendant Maclovio Acosta's interest in the following property shall be condemned and forfeited to the United States of America, to be disposed of according to law:

a. 1996 GMC Yukon, VIN: 3GKEC18R9TG520014,
License Number 3TJZ621.

2. The above-listed property was used or intended to be used, in any manner or part, to commit and to facilitate the

1 commission of the violations of 21 U.S.C. §§ 846 and 841(a)(1).

2 3. Pursuant to Rule 32.2(b), the Attorney General (or a
3 designee) shall be authorized to seize the above-described
4 property. The aforementioned property shall be seized and held
5 by the United States Marshals Service, in its secure custody and
6 control.

7 4. a. Pursuant to 21 U.S.C. § 853(n) and Local Rule
8 83-171, the United States forthwith shall publish at least once
9 for three successive weeks in the Appeal Democrat (Yuba/Sutter
10 County), a newspaper of general circulation located in the county
11 in which the above-described property was seized, notice of this
12 Order, notice of the Attorney General's and/or Secretary of
13 Treasury's intent to dispose of the property in such manner as
14 the Attorney General and/or the Secretary of Treasury may direct,
15 and notice that any person, other than the defendant, having or
16 claiming a legal interest in the above-listed forfeited property
17 must file a petition with the Court within thirty (30) days of
18 the final publication of the notice or of receipt of actual
19 notice, whichever is earlier.

20 b. This notice shall state that the petition shall be
21 for a hearing to adjudicate the validity of the petitioner's
22 alleged interest in the property, shall be signed by the
23 petitioner under penalty of perjury, and shall set forth the
24 nature and extent of the petitioner's right, title or interest in
25 the forfeited property and any additional facts supporting the
26 petitioner's claim and the relief sought.

27 c. The United States may also, to the extent
28 practicable, provide direct written notice to any person known to

1 have alleged an interest in the property that is the subject of
2 the Order of forfeiture, as a substitute for published notice as
3 to those persons so notified.

4 5. If a petition is timely filed, upon adjudication of all
5 third-party interests, if any, this Court will enter a Final
6 Order of Forfeiture pursuant to 21 U.S.C. § 853 in which all
7 interests will be addressed.

8 IT IS SO ORDERED.

9 DATED: September 28, 2006

10
11
12 

13 MORRISON C. ENGLAND, JR.
14 UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28